



1 JOSEPH T. McNALLY  
2 Acting United States Attorney  
3 LINDSEY GREER DOTSON  
4 Assistant United States Attorney  
5 Chief, Criminal Division  
6 ELIZABETH BISLAND  
7 Special Assistant United States Attorney  
8 Domestic Security & Immigration  
Crimes Section  
1200 United States Courthouse  
312 North Spring Street  
Los Angeles, California 90012  
Telephone: (213) 894-0319  
Facsimile: (213) 894-0141  
E-mail: Elizabeth.Bisland@usdoj.gov

9 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

10  
11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

No. CR 25-00174-SVW

14 Plaintiff,

PLEA AGREEMENT FOR DEFENDANT  
ESTEBAN ARTEAGA OCHOA

15 v.

16 Esteban ARTEAGA OCHOA

17 Defendant.

18  
19 1. This constitutes the plea agreement between ESTEBAN  
20 ARTEAGA OCHOA ("defendant") and the United States Attorney's Office  
21 for the Central District of California (the "USAO") in the above-  
22 captioned case. This agreement is limited to the USAO and cannot  
23 bind any other federal, state, local, or foreign prosecuting,  
24 enforcement, administrative, or regulatory authorities.

25 DEFENDANT'S OBLIGATIONS

26 2. Defendant agrees to:

27 a) Give up the right to indictment by a grand jury and,  
28 at the earliest opportunity requested by the USAO and provided by

1 the Court, appear and plead guilty to a one-count information, in  
2 the form attached to this agreement as Exhibit A or a substantially  
3 similar form, that charges defendant with being an illegal alien  
4 found in the United States following deportation or removal in  
5 violation of 8 U.S.C. § 1326(a).

b) Not contest facts agreed to in this agreement.

7                   c) Abide by all agreements regarding sentencing  
8 contained in this agreement.

9                   d) Appear for all court appearances, surrender as  
10 ordered for service of sentence, obey all conditions of any bond,  
11 and obey any other ongoing court order in this matter.

12                   e) Not commit any crime; however, offenses that would be  
13 excluded for sentencing purposes under United States Sentencing  
14 Guidelines ("USSG" or "Sentencing Guidelines") § 4A1.2(c) are not  
15 within the scope of this agreement.

16 f) Be truthful at all times with the United States  
17 Probation and Pretrial Services Office and the Court.

18                   g) Pay the applicable special assessment at or before  
19 the time of sentencing unless defendant has demonstrated a lack of  
20 ability to pay such assessment.

## THE USAO'S OBLIGATIONS

3. The USAO agrees to:

a) Not contest facts agreed to in this agreement.

b) Abide by all agreements regarding sentencing

ained in this agreement and recommend that defendant be sentenced to a term of imprisonment at the low end of the applicable sentencing Guidelines range corresponding to the Total Offense Level parties have agreed to in paragraph 11 and the Criminal History

1 Category determined by the Court.

2 NATURE OF THE OFFENSE

3       4. Defendant understands that for defendant to be guilty of  
4 the crime charged in the one-count information, a violation of 8  
5 U.S.C. § 1326(a), the following must be true: (1) defendant was  
6 lawfully deported or removed from the United States; (2) after  
7 defendant's deportation or removal, defendant voluntarily entered  
8 the United States; (3) after defendant entered the United States,  
9 defendant knew that defendant was in the United States and knowingly  
10 remained; (4) defendant was found in the United States without  
11 having obtained consent to reapply for admission into the United  
12 States from the Attorney General or the Secretary of the Department  
13 of Homeland Security, or any authorized representative of either  
14 official; (5) defendant was, at the time of the offense, an alien,  
15 that is, a person who is not a natural-born or naturalized citizen,  
16 or a national, of the United States; and (6) defendant was free from  
17 official restraint at the time he or she entered the United States.  
18 Defendant was free from official restraint, unless defendant was  
19 under constant governmental observation from the moment defendant  
20 set foot in this country until the moment of defendant's arrest.

21       In order for defendant to be subject to the heightened  
22 statutory maximum penalties under 8 U.S.C. § 1326(b)(1), defendant's  
23 deportation or removal must have occurred after defendant was  
24 convicted of a felony, namely, the felony described in paragraph 9  
25 below.

26 //

27 //

28 //

## PENALTIES

2       5. The statutory maximum sentence that the Court can impose  
3 for a violation of 8 U.S.C. § 1326(a) is: 2 years' imprisonment; a  
4 one-year period of supervised release; a fine of \$250,000; and a  
5 mandatory special assessment of \$100.

The statutory maximum sentence that the Court can impose for a violation of 8 U.S.C. § 1326(a), where the heightened statutory maximum penalties under 8 U.S.C. § 1326(b)(1) apply, is: 10 years' imprisonment; a three-year period of supervised release; a fine of \$250,000; and a mandatory special assessment of \$100.]

11       6. Defendant understands that supervised release is a period  
12 of time following imprisonment during which defendant will be  
13 subject to various restrictions and requirements. Defendant agrees  
14 that the imposition of supervised release is warranted in this case,  
15 as authorized under USSG § 5D1.1, cmt. n.5. Defendant understands  
16 that if defendant violates one or more of the conditions of any  
17 supervised release imposed, defendant may be returned to prison for  
18 all or part of the term of supervised release authorized by statute  
19 for the offense that resulted in the term of supervised release,  
20 which could result in defendant serving a total term of imprisonment  
21 greater than the statutory maximum stated above.

22       7. Defendant understands that the conviction in this case may  
23 result in defendant giving up valuable government benefits and civic  
24 rights and may also subject defendant to various other collateral  
25 consequences, including but not limited to revocation of probation,  
26 parole, or supervised release in another case and suspension or  
27 revocation of a professional license. Defendant understands that  
28 unanticipated collateral consequences will not serve as grounds to

1 withdraw defendant's guilty plea.

2       8. Defendant and his counsel have discussed the fact that,  
3 and defendant understands that, because defendant is not a United  
4 States citizen, the conviction in this case makes it practically  
5 inevitable and a virtual certainty that defendant will be removed or  
6 deported from the United States. Defendant may also be denied  
7 United States citizenship and admission to the United States in the  
8 future. Defendant understands that while there may be arguments  
9 that defendant can raise in immigration proceedings to avoid or  
10 delay removal, removal is presumptively mandatory and a virtual  
11 certainty in this case. Defendant further understands that removal  
12 and immigration consequences are the subject of a separate  
13 proceeding and that no one, including his attorney or the Court, can  
14 predict to an absolute certainty the effect of his conviction on his  
15 immigration status. Defendant nevertheless affirms that he wants to  
16 plead guilty regardless of any immigration consequences that his  
17 plea may entail, even if the consequence is automatic removal from  
18 the United States.

FACTUAL BASIS

20       9. Defendant admits that defendant is, in fact, guilty of  
21 violating 8 U.S.C. § 1326(a) as described in the information and  
22 that he is subject to the heightened statutory maximum penalties  
23 under 8 U.S.C. § 1326(b)(1), as set forth above. Defendant and the  
24 USAO agree to the statement of facts provided below and agree that  
25 this statement of facts is sufficient to support a plea of guilty to  
26 the charge described in this agreement and to establish the  
27 Sentencing Guidelines factors set forth in paragraph 11 below but is  
28 not meant to be a complete recitation of all facts relevant to the

1 underlying criminal conduct or all facts known to either party that  
2 relate to that conduct.

3       Defendant, a citizen of Mexico was at all times relevant to  
4 this plea agreement an alien, that is, not a natural-born or  
5 naturalized citizen, or national, of the United States. Defendant  
6 was lawfully deported or removed from the United States on or about  
7 April 30, 2013. Subsequent to defendant's April 30, 2013  
8 deportation or removal, defendant knowingly and voluntarily re-  
9 entered and thereafter remained in the United States. Defendant did  
10 so without the consent of the Attorney General or his designated  
11 successor, the Secretary of the Department of Homeland Security, or  
12 of any authorized representative of either the Attorney General or  
13 that Department, to reapply for admission or to otherwise re-enter  
14 and remain in the United States. After defendant re-entered and  
15 remained in the United States, on or about October 11, 2024,  
16 immigration authorities found defendant in Los Angeles County,  
17 within the Central District of California. Defendant was found by  
18 immigration authorities after he had physically crossed the border  
19 of the United States.

20 On or about April 9, 2013, defendant was convicted of  
21 Sale/Offer to Sell/Transportation of a Controlled Substance, a  
22 felony, in violation of California Health and Safety Code Section  
23 11379(a), in the Superior Court of the State of California, County  
24 of Los Angeles, case number VA127469 for which the sentence imposed  
25 was 120 days' imprisonment.

## SENTENCING FACTORS

27       10. Defendant understands that in determining defendant's  
28 sentence the Court is required to calculate the applicable

1 Sentencing Guidelines range and to consider that range, possible  
2 departures under the Sentencing Guidelines, and the other sentencing  
3 factors set forth in 18 U.S.C. § 3553(a). Defendant understands  
4 that the Sentencing Guidelines are advisory only, that defendant  
5 cannot have any expectation of receiving a sentence within the  
6 calculated Sentencing Guidelines range, and that after considering  
7 the Sentencing Guidelines and the other § 3553(a) factors, the Court  
8 will be free to exercise its discretion to impose any sentence it  
9 finds appropriate up to the maximum set by statute for the crime of  
10 conviction.

11        11. Defendant and the USAO agree to the following applicable  
12 Sentencing Guidelines factors:

13 Base Offense Level: 8 USSG §2L1.2(a)

Base Offense Level and Description	Associated Guideline Enhancement	Associated Guideline Reference
<u>Acceptance of Responsibility</u>	-2	USSG §3E1.1(_a_)
<u>Early Disposition Program Departure</u>	-4	USSG §5K3.1

21 Total Offense Level: 2

Defendant and the USAO further agree that, if defendant's Criminal History Category is Criminal History Category VI, the Early Disposition Program Departure shall be only 2 levels (rather than the 4 specified above).

26       12. Defendant may request or recommend additional downward  
27 adjustments, departures, or variances from the Sentencing Guidelines  
28 under 18 U.S.C. § 3553. The government will oppose any downward

1 adjustments, departures, or variances not set forth in this plea  
2 agreement.

3       13. Defendant understands that there is no agreement as to  
4 defendant's criminal history or Criminal History Category.

5       14. Defendant and the USAO agree that a three-year period of  
6 supervised release to follow release from imprisonment.

7       15. The parties also agree that no prior imprisonment (other  
8 than credits that the Bureau of Prisons may allow under 18 U.S.C.  
9 § 3585(b)) may be credited against this stipulated sentence,  
10 including credit under Sentencing Guideline § 5G1.3. Defendant  
11 represents, and the USAO does not contest, that defendant does not  
12 have the ability to pay a fine.

13       16. The parties agree to request that defendant be sentenced  
14 as soon as possible following the entry of defendant's guilty plea.  
15 The parties stipulate and agree that, with the exception of  
16 defendant's criminal history, there is sufficient information in the  
17 record to enable the Court to exercise its sentencing authority  
18 meaningfully without a presentence investigation or report. The  
19 parties agree to request that the United States Probation and  
20 Pretrial Services Office prepare a presentence report that is  
21 limited to defendant's criminal history only. To the extent  
22 defendant has a right to a presentence investigation and preparation  
23 of a presentence report relating to anything other than defendant's  
24 criminal history, defendant hereby knowingly, voluntarily, and  
25 intelligently waives that right. The parties agree to request that  
26 the Court find, pursuant to Federal Rule of Criminal Procedure  
27 32(c)(1), that the information in the record, coupled with a  
28 presentence report limited to defendant's criminal history, is

1 sufficient to enable the Court to exercise its sentencing authority  
2 meaningfully without a more complete presentence investigation and  
3 report. The parties understand and agree that, in the event that  
4 the Court declines to make this finding and instead orders that a  
5 more complete presentence investigation be conducted and/or a more  
6 complete presentence report prepared, such action shall have no  
7 effect on the validity of this agreement or any of its terms or  
8 conditions and shall not provide a basis for either party to  
9 withdraw from the plea agreement.

10 WAIVER OF CONSTITUTIONAL RIGHTS

11 17. Defendant understands that by pleading guilty, defendant  
12 gives up the following rights:

13 a) The right to persist in a plea of not guilty.  
14 b) The right to a speedy and public trial by jury.  
15 c) The right to be represented by counsel - and if  
16 necessary have the Court appoint counsel - at trial. Defendant  
17 understands, however, that, defendant retains the right to be  
18 represented by counsel - and if necessary have the Court appoint  
19 counsel - at every other stage of the proceeding.

20 d) The right to be presumed innocent and to have the  
21 burden of proof placed on the government to prove defendant guilty  
22 beyond a reasonable doubt.

23 e) The right to confront and cross-examine witnesses  
24 against defendant.

25 f) The right to testify and to present evidence in  
26 opposition to the charges, including the right to compel the  
27 attendance of witnesses to testify.

28 //

1                   g) The right not to be compelled to testify, and, if  
2 defendant chose not to testify or present evidence, to have that  
3 choice not be used against defendant.

4                   h) Any and all rights to pursue any affirmative  
5 defenses, Fourth Amendment or Fifth Amendment claims, and other  
6 pretrial motions that have been filed or could be filed.

7                   WAIVER OF APPEAL OF CONVICTION

8                 18. Defendant understands that, with the exception of an  
9 appeal based on a claim that defendant's guilty plea was  
10 involuntary, by pleading guilty defendant is waiving and giving up  
11 any right to appeal defendant's conviction on the offense to which  
12 defendant is pleading guilty. Defendant understands that this  
13 waiver includes, but is not limited to, arguments that the statute  
14 to which defendant is pleading guilty is unconstitutional, and any  
15 and all claims that the statement of facts provided herein is  
16 insufficient to support defendant's plea of guilty.

17                   LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

18                 19. Defendant gives up the right to appeal all of the  
19 following: (a) the term of imprisonment imposed by the Court,  
20 provided it is within the statutory maximum and within the  
21 applicable Sentencing Guidelines range corresponding to the Total  
22 Offense Level the parties have agreed to in paragraph 11 and the  
23 Criminal History Category determined by the Court; (b) any fine  
24 imposed by the Court, provided it is within the statutory maximum;  
25 (c) the term of probation or supervised release imposed by the  
26 Court, provided it is within the statutory maximum; and (d) any of  
27 the following conditions of probation or supervised release imposed  
28 by the Court: the conditions set forth in Second Amended General

1 Order 20-04 of this Court.

2        20. Defendant also gives up any right to bring a post-  
3 conviction collateral attack on the conviction or sentence, except a  
4 post-conviction collateral attack based on a claim of ineffective  
5 assistance of counsel.

6       21. The USAO agrees that, provided the Court imposes the  
7 sentence specified within the applicable Sentencing Guidelines range  
8 corresponding to the Total Offense Level the parties have agreed to  
9 in paragraph 11 and the Criminal History Category determined by the  
10 Court, the USAO gives up its right to appeal any portion of that  
11 sentence.

RESULT OF WITHDRAWAL OF GUILTY PLEA

13        22. Defendant agrees that if, after entering a guilty plea  
14 pursuant to this agreement, defendant seeks to withdraw and succeeds  
15 in withdrawing defendant's guilty plea on any basis other than a  
16 claim and finding that entry into this plea agreement was  
17 involuntary, then the USAO will be relieved of all of its  
18 obligations under this agreement.

EFFECTIVE DATE OF AGREEMENT

20        23. This agreement is effective upon signature and execution  
21 of all required certifications by defendant, defendant's counsel,  
22 and an Assistant United States Attorney.

## BREACH OF AGREEMENT

24       24. Defendant agrees that if defendant, at any time after the  
25 signature of this agreement and execution of all required  
26 certifications by defendant, defendant's counsel, and an Assistant  
27 United States Attorney, knowingly violates or fails to perform any  
28 of defendant's obligations under this agreement ("a breach"), the

1 USAO may declare this agreement breached. All of defendant's  
2 obligations are material, a single breach of this agreement is  
3 sufficient for the USAO to declare a breach, and defendant shall not  
4 be deemed to have cured a breach without the express agreement of  
5 the USAO in writing. If the USAO declares this agreement breached,  
6 and the Court finds such a breach to have occurred, then: (a) if  
7 defendant has previously entered a guilty plea pursuant to this  
8 agreement, defendant will not be able to withdraw the guilty plea,  
9 (b) the USAO will be relieved of all its obligations under this  
10 agreement, and (c) the Court's failure to follow any recommendation  
11 or request regarding sentence set forth in this agreement will not  
12 provide a basis for defendant to withdraw defendant's guilty plea.

13 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

14 OFFICE NOT PARTIES

15 25. Defendant understands that the Court and the United States  
16 Probation and Pretrial Services Office are not parties to this  
17 agreement and need not accept any of the USAO's sentencing  
18 recommendations or the parties' agreements to facts, sentencing  
19 factors, or sentencing. Defendant understands that the Court will  
20 determine the facts, sentencing factors, and other considerations  
21 relevant to sentencing and will decide for itself whether to accept  
22 and agree to be bound by this agreement.

23 26. Defendant understands that both defendant and the USAO are  
24 free to: (a) supplement the facts by supplying relevant information  
25 to the United States Probation and Pretrial Services Office and the  
26 Court, and (b) correct any and all factual misstatements relating to  
27 the Court's Sentencing Guidelines calculations and determination of  
28 sentence.

NO ADDITIONAL AGREEMENTS

2        27. Defendant understands that, except as set forth herein,  
3 there are no promises, understandings, or agreements between the  
4 USAO and defendant or defendant's attorney, and that no additional  
5 promise, understanding, or agreement may be entered into unless in a  
6 writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

8       28. The parties agree that this agreement will be considered  
9 part of the record of defendant's guilty plea hearing as if the  
10 entire agreement had been read into the record of the proceeding.

12 | AGREED AND ACCEPTED

13 UNITED STATES ATTORNEY'S OFFICE  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JOSEPH T. McNALLY  
15 Acting United States Attorney

17 ELIZABETH BISLAND  
18 Special Assistant United States  
Attorney

10

20 ESTEBAN ARTEAGA OCHOA  
Defendant

Date

22 ~~IBOH UMUDO SAMUEL CROSS~~  
23 Deputy Federal Public Defender  
Attorney for Defendant  
ESTEBAN ARTEAGA OCHOA

31

CERTIFICATION OF DEFENDANT

TO DEFENDANT AND COUNSEL: INITIAL THE TRUE STATEMENT AND CROSS  
OUT THE OTHER:

4       1. This agreement has been read to me in Spanish, the  
5 language I understand best. Defendant's initials: EH / Counsel's  
6 initials: SC OR:

7       2. I am fluent in English and have carefully read this  
8 agreement. Defendant's initials: \_\_\_\_\_ / Counsel's initials: \_\_\_\_\_

I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charges and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

~~ESTEBAN ARTEAGA OCHOA~~  
Defendant

03/17/25

**CERTIFICATION OF INTERPRETER [IF APPLICABLE]**

I, YARINA ARROYO, am fluent in the written and  
spoken English and Spanish languages. I accurately translated this  
entire agreement from English into Spanish to defendant ESTEBAN  
ARTEAGA OSHOA on this date.

---

## INTERPRETER

---

Date \_\_\_\_\_

3 / 17 / 2025

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am ESTEBAN ARTEAGA OCHOA's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.

~~EBOH UMUDO~~ SAMUEL CROSS  
Deputy Federal Public Defender  
Attorney for Defendant  
Esteban ARTEAGA OCHOA

Date \_\_\_\_\_

3/17/23